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Chairman: Mrs. ESPINOSA (Mexico)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 108: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/51/3 (Parts I and II), A/51/18, A/51/90, A/51/301, A/51/427, A/51/430, A/51/435, A/51/541, A/51/462-S/1996/831)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/51/392, A/51/414, A/51/532-S/1996/864)

1. Ms. TOMIĆ (Slovenia) said that racism was a recurrent phenomenon, the most brutal manifestation of which in recent years had been "ethnic cleansing". The perpetrators of such heinous crimes as genocide should be judged on the basis of their individual responsibility. Her delegation supported the work of the international tribunals for the former Yugoslavia and Rwanda and the early establishment of the International Criminal Court, which should be a permanent and impartial mechanism.

2. The demonstrations of intolerance, xenophobia and racially motivated violence which persisted in the everyday life of societies stemmed from ignorance and the fear of diversity. In order to combat such demonstrations, it was important to enact laws which would prohibit de jure and de facto racial discrimination. Governments had an obligation to ensure the peaceful coexistence of their citizens on a basis of equality and non-discrimination. Tolerance and respect for others should be promoted through the dissemination of information, education and the training of civil servants and of military and other personnel.

3. Her delegation had noted with satisfaction the large number of States that had ratified the International Convention on the Elimination of All Forms of Racial Discrimination, and urged States that had not yet done so to ratify the Convention, to limit the number of reservations they made to it, and to ensure that such reservations were not incompatible with the purposes of the Convention. It was important that compliance with the obligations arising from international human rights instruments should be monitored by an international body such as the Committee for the Elimination of Racial Discrimination. The Committee's improved working practices were encouraging, particularly with regard to the combined consideration of overdue reports of States Parties. Its early warning measures and urgent procedures were also commendable, and constituted an important contribution to the prevention of racial discrimination.

4. With regard to the serious financial crisis facing the Committee, her delegation supported the decision of the States Parties to amend article 8 of the Convention in order to provide financing for the Committee from the regular budget of the United Nations. Although it would soon be five years since the decision had been approved by the General Assembly, only 17 States had ratified the amendment. It was therefore to be hoped that the States Parties to the Convention would accelerate their ratification procedures, in order to achieve the two-thirds majority of States Parties required for the amendment to enter into force.

5. Mrs. CHOWDHURY (India) said that, for much of the post-war period, forms of racism other than apartheid had been virtually ignored by the international community. With the dismantling of the regime in South Africa which had applied apartheid, racist and xenophobic doctrines and attitudes as global phenomena had assumed greater importance in United Nations efforts to abolish racism. In a number of countries, notably in the western world, weaknesses in anti-discrimination laws, lax enforcement, and the rise of ultra-conservative political formations with racist platforms reflected a disturbing degree of complicity in and even of acceptance of racial intolerance and discrimination. Racist propaganda was responsible for such phenomena as the desecration of cemeteries and religious places, the hardening of immigration laws, the rise in numbers of refugees and increased encroachment on the lands of minority or indigenous communities. The international community must work to counter those tendencies.

6. Her delegation fully supported the Special Rapporteur's call for a world conference on racism and racial discrimination, including the question of immigration and xenophobia, or for exploration of the possibility of holding another conference on the last theme. Such a conference could also examine whether incitement to racial hatred, particularly through the new information media, was justifiable under the right to freedom of expression. The expert seminar organized by the Centre for Human Rights on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination had concluded that the prohibition of the dissemination of ideas based on racial superiority or racial hatred would be a lawful restriction of the right to freedom of opinion, expression and association as set forth in the Universal Declaration of Human Rights.

7. Her delegation was concerned by the lack of resources for the Special Rapporteur to carry out his mandate, particularly with respect to education promoting tolerance and respect for other cultures and peoples. The same problem was affecting execution of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. The Commission on Human Rights should take those issues into account at its next session.

8. Democratic societies provided adequate scope for the self-determination of peoples. However, as the Vienna Declaration made clear, self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. It could not be used to encourage the division or disintegration of pluralist, sovereign, democratic States. It was important to emphasize the Secretary-General's observation that if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become even more difficult to achieve.

9. The Secretary-General's observation was reinforced by General Recommendation XI (48) adopted by the Committee on the Elimination of Racial Discrimination and contained in its report (A/51/18). In that Recommendation, the Committee emphasized that, in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States adopted by the General Assembly in 1970 in resolution 2625 (XXV), none of the Committee's actions should be construed as authorizing or encouraging any action

which would dismember or impair, totally or in part, the territorial integrity or political integrity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and possessing a Government representing the whole people belonging to the territory. In the view of the Committee, international law had not recognized the general right of peoples unilaterally to declare secession from a State.

10. With regard to the use of mercenaries as a means of violating human rights and impeding the exercise of peoples to self-determination, the report of the Special Rapporteur gave ample proof of the growing involvement of mercenaries in armed conflict, especially internal armed conflict, and raised important questions on the gaps in national and international legislation relating to such activities, and as to whether the existence of companies selling security services to countries in exchange for concessions should be tolerated.

11. Unfortunately, the report was confined to the consideration of the problem of contracts undertaken by professional mercenaries, and did not dwell sufficiently on the use of mercenaries in terrorist and seditious activities. Such use, of which India had been the victim for more than a decade, constituted a growing threat to democratic and multicultural States. It was regrettable that the expert group which should have studied the issue of the mercenaries had not been able to meet owing to lack of financial resources since, in her opinion, the fact that mercenaries occasionally took foreigners as hostages made the issue one of international concern. She hoped that when they next resumed their deliberations, the Commission on Human Rights and its working groups would give serious consideration to the problems of racism, self-determination and mercenary activity.

12. Ms. SAVCHENKO (Ukraine) said that approaches were needed which would lead to just and flexible solutions to conflicts that might arise from the exercice of the right of self-determination of peoples. The solution to such problems must be based on the provisions of the Charter of the United Nations and on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, on the Helsinki Final Act and on other instruments of international law which protected the sovereignty of States, their territorial integrity and the inviolability of their frontiers.

13. The right to self-determination could not be equated with separatism. The aforementioned Declaration of the General Assembly stated that the recognition of self-determination was not to be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity of sovereign and independent States. As her delegation had indicated in a statement during the fifty-second session of the Commission on Human Rights, the right to territorial separation could be granted only to an ethnic entity within the general framework of the right to national self-determination and the right to self-determination could not be granted to part of an ethnic group if that ethnic group already had a State outside the country, to an ethnic group which did not have a State institution if it was not the indigenous population group of the territory, or to an ethnic group which formed neither a compact community nor a majority in a specific territory (E/CN.4/1996/SR.7, para. 31).

14. Certain States considered that the right to self-determination of peoples was applicable to the claims of national and even regional minorities but in the opinion of her delegation that was unjustified. Her country had granted broad administrative and territorial autonomy to Crimea, but that had not put an end to the demands of certain groups, in Crimea and outside Ukraine, which invoked the right to independence of a so-called "Crimean people". Her country had endeavoured to solve the social and economic problems of Crimea, adopting measures which could not be considered discriminatory, since they were compatible with international law and with internationally recognized principles of human rights. Her delegation considered that the right to self-determination could not entail territorial separation for an ethnic group if that group was not in a majority in the territory concerned and if the other groups living there objected to the separation.

15. Her delegation believed that, if the legal gaps concerning the means of exercising the right to self-determination could be filled, the justifications on which separatist movements based their legitimacy would disappear. It was therefore important to create global mechanisms for resolving potential conflict situations regarding the exercise of that right. Her delegation also believed that the granting of independence was not usually the ideal solution and could not be applied in all cases.

16. As for the subject of elimination of racism and racial discrimination, her country's legislation prohibited those phenomena, particularly forms of them which were directed against national minorities, which were a very large component of its population. She emphasized the need for international cooperation to increase the effectiveness of national measures to combat such blemishes on society.

17. Ms. CORNETTE (Guyana), speaking on behalf of the Member States of the Caribbean Community (CARICOM) which were Member of the United Nations, said that the CARICOM member States, conscious of the fact that discrimination and intolerance had caused most of the world's tragedies and suffering, had always been firmly against all forms of racism and racial discrimination. That position had been reflected in their denunciation of apartheid, and they considered its demise as one of the greatest accomplishments of the international community, and particularly of the United Nations, in the struggle to eliminate racism and racial discrimination. However, other forms of racism and racial discrimination, such as xenophobia and persecution of minorities, ethnic groups, migrant workers and refugees and the heinous policy of "ethnic cleansing", continued to be a cause for serious concern. The eradication of all those contemporary forms of racism should be given the highest priority by the world community and preventive measures should be taken to combat them.

18. With regard to the situation in the former Yugoslavia and Bosnia and Herzegovina, the CARICOM member States noted the recent initiatives by the United Nations to safeguard the human rights of returnees and to enable them to reintegrate fully into society, but they believed that free integration would not be possible unless the home State assumed responsibility for its own citizens and restored their full rights. The CARICOM member States called upon the United Nations and the international community to do everything possible to bring under control the currently explosive situation in Rwanda and Zaire. The work of the international tribunals for the prosecution of persons responsible

for war crimes in Rwanda and the former Yugoslavia should also be given full support.

19. The CARICOM member States considered that the elimination of discrimination and intolerance could not be achieved without universal adherence to and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international human rights instruments. It was particularly important for Governments to cooperate with established monitoring mechanisms, particularly the Committee on the Elimination of Racial Discrimination.

20. They also attached great importance to the implementation of the revised programme for the Third Decade to Combat Racism and Racial Discrimination. The international community must work together to attain the objectives of the programme of activities for the Decade. The CARICOM member States emphasized the importance of the role played by the Centre for Human Rights in coordinating activities to prevent racial and ethnic conflict. Consideration should be given to establishing early warning procedures to improve the capacity of the United Nations to prevent such conflicts.

21. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, the High Commissioner for Human Rights and the Centre for Human Rights could play a critical role in elaborating the theoretical and conceptual approach to new forms of those phenomena. Maximum use should also be made of the opportunities offered by the United Nations Decade for Human Rights Education. The CARICOM member States strongly believed that education, information and awareness could play an important role in eliminating racial prejudice and stereotypes, thus fostering mutual understanding and tolerance, and achieving racial harmony.

22. The CARICOM member States joined the appeal for adequate financial and human resources to support the implementation of the activities for the Third Decade and to enable the Special Rapporteur to carry out his mandate effectively and efficiently. They also urged all States which had not yet done so to ratify all conventions and legal instruments on racial discrimination.

23. Despite the many resolutions adopted in support of the universal realization of the right of all peoples to self-determination, people in many parts of the world were still being denied the exercise of that right. The member States of CARICOM viewed action to promote the right to self-determination through practical and peaceful measures as the only effective means of ensuring that the interests of all States were represented.

24. CARICOM States wished to reaffirm their commitment to the principles of the right to self-determination as it applied to the Palestinian people. They urged the parties concerned to pursue peace in the region and called for collective efforts to be made towards a peaceful solution. Recognition of the right of the Palestinian people to self-determination would serve the interests of all the parties involved.

25. The report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance drew attention to the link between mercenary activities and terrorism, an issue that was of serious

concern to member States of CARICOM. Such activities included not only acts of terrorism but also trafficking in drugs and arms. The member States of CARICOM therefore strongly supported the recommendation of the Special Rapporteur that all States should incorporate practical measures into their national legislation to prohibit the use of their territory for the recruitment, training, assembly or transit of mercenaries and called upon the General Assembly to reaffirm its condemnation of such activities.

26. Mr. MEDKAD (Syrian Arab Republic) said that the international community should keep under consideration the question of the self-determination of peoples, since, despite the fact that the related problems had become less serious, it was necessary to find solutions to the threats to international peace and security posed by colonialism, foreign occupation and other forms of domination. Racism and racial discrimination, particularly discrimination against foreigners in the developed countries, was a matter of deep concern.

27. The efforts made by the United Nations in recent years in fulfilment of the Charter had permitted many peoples to exercise their right to self-determination. The Syrian Arab Republic was one of the first countries to achieve independence after the Second World War and had been a firm defender of the rights of peoples to self-determination, particularly those peoples who were under foreign or colonial domination and occupation.

28. The transformations which had taken place since the 1960s had not succeeded in changing the basic principles for which mankind had always struggled, including the right of peoples to liberate themselves from oppression. Racism in all its manifestations was another form of denial of rights and must be eradicated as early as possible.

29. The Constitution and laws of the Syrian Arab Republic reaffirmed the importance of the struggle against racism and racial discrimination in all their forms and manifestations. Syria was party to all the conventions against racism and racial discrimination.

30. With regard to the situation of the Palestinian people, the expansionist policy of Israel was a violation of the Charter of the United Nations and of human rights and international law. Over the previous 50 years, Palestinian refugees in different parts of the world had cherished the hope of returning to the homeland from which they had been expelled by force of arms and, unable to do anything, they observed how Israel was inviting Jewish settlers from all countries to occupy their land. It was difficult to understand the international community's inability to force Israel to respect the principles of international law. Nevertheless, sooner or later, Israel would have to put an end to its anti-peace policy, withdraw from the occupied Arab territories and recognize the right of the Palestinian people to self-determination.

31. Syria had reaffirmed on numerous occasions and wished to do so once again its commitment to securing a just and comprehensive peace in the region based on the principles agreed upon at the Madrid conference, which were embodied in various Security Council resolutions, and of the principle of "land for peace".

32. Mr. BORDA (Colombia) reiterated the firm and unswerving commitment of Colombia to the elimination of racial discrimination and its readiness to

cooperate with the mechanisms of the United Nations. Colombia was party to the International Convention on the Elimination of All Forms of Racial Discrimination and had submitted its periodic reports to the Committee on the Elimination of Racial Discrimination. The Government of Colombia was reviewing the Committee's recommendations and would take them into account when preparing its next report. Colombia had also hosted a visit by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

33. The 1991 Constitution of Colombia enshrined not only respect for and the dignity of ethnic minorities in Colombian society but also the principle of equality without distinction on the grounds of sex, race, national or family origin, language, religion, or political or philosophical opinion. The Government's firm commitment had been reflected in the 1995-1996 programme of support for and ethnic strengthening of the indigenous peoples of Colombia, whose principal objectives were to support the systems of social, economic and cultural organization that were peculiar to the indigenous peoples, thereby strengthening their ties with the systems of the national society; to propose measures for the protection, promotion, dissemination and defence of the rights of those populations; to support the autonomous and sustainable development of ethnic groups; to promote the participation of indigenous peoples and communities in the decision-making process; and to disseminate and communicate information on the ethnic and cultural diversity of the Colombian nation. Resources had also been allocated to various investment programmes, especially in the fields of education and health.

34. On the subject of Afro-Colombian communities, Act No. 70 of 1993 reaffirmed the political, economic, social, cultural and territorial rights of such groups and protected their lifestyle as a development option based on their own logic and experience, in conditions of equality, equity, autonomy, participation and respect for cultural differences. The Department of Black Community Affairs of the Ministry of the Interior formulated policy in that area, taking into account the recommendations of a high-level advisory committee. A five-year plan had been prepared for the Afro-Colombian population to give impetus to the organization of their communities, through the strengthening of advisory committees at the departmental, regional and district levels and the undertaking of research projects, and particularly one aimed at compiling basic statistical data on that population group and another aimed at preparing a map of socio-cultural zones and regions with majority black populations. The five-year plan also provided for dissemination activities in coordination with the mass media.

35. He drew attention to the cooperation which Colombia had given to United Nations mechanisms and his country's participation in the negotiations on the special regime for access to genetic resources, approved by the Andean Pact countries in July 1996, which would directly benefit black, indigenous and local communities. The Colombian Government was also convinced that economic development and the improvement of the social situation would mark a major step forward for the indigenous and black communities of Colombia.

36. In a brief reference to the right of peoples to self-determination, he reiterated Colombia's support for the right of Palestinian people to self-determination and to the establishment of an independent and sovereign State in their homeland and expressed his concern over the difficulties which the peace

process in the Middle East was encountering and his confidence that the parties would fully honour their agreement. He also urged them to settle their differences through dialogue and a peaceful solution to their disputes.

37. Mr. KAMAL (Pakistan) said that self-determination was the central organizing principle for international relations among sovereign States, and the right of peoples to self-determination was the foundation of the international order. The essential postulate for the exercise of that right was that it should be a free and genuine expression of the will of the people without any type of external coercion. No election, referendum or plebiscite held unilaterally by the colonial or occupying authorities constituted a free expression of the will of the people. No amount of autonomy granted by an occupying Power could replace the legitimate right of peoples under colonial or foreign domination to seek freedom.

38. He hoped that the situation in the Middle East would culminate in a lasting peace, and that peace in Bosnia and Herzegovina would be consolidated, that the country's territorial integrity would be preserved and that the aggressors would be punished in accordance with international law.

39. Referring to the situation in Jammu and Kashmir, he said that India, despite having accepted the decision of the Security Council that a free and impartial plebiscite should be held to determine the legal status of that region, had resorted to unilateral measures to occupy the territory and had prevented the Kashmiris from exercising their right to self-determination as recognized in Security Council resolutions which were still valid and binding on all the parties: India, Pakistan and the United Nations. The right to self-determination was not subject to prescription and remained valid until it was freely exercised.

40. India had brutally crushed the peaceful movement which the Kashmiri people had launched in 1989 to secure their freedom, and the 700,000 troops deployed there by India had been responsible for massacres, torture and disappearances, arson, and collective reprisals. India had also held sham elections in May and September 1996, organized in phases so as to ensure greater concentration of troops in the areas where they were being held.

41. He wondered how democracy could be assured under foreign occupation, how free elections could be held in the presence of such a large number of soldiers, and how such elections could be a substitute for the free exercise of self-determination by the Kashmiri people.

42. India's depiction of the Kashmiri freedom struggle as a secessionist movement was a classic colonial ploy. Kashmir was the core of the differences between India and Pakistan and the principal cause of tension in the region. Pakistan wished to find a genuine political solution for the Kashmir dispute, opening the door to an era of peace and prosperity in South Asia.

43. In seeking a solution to the Jammu and Kashmir question, three aspects must be addressed. Firstly, action must be taken to reduce tensions and to avert a possible threat to peace. India should accept the offer of good offices made by the Secretary-General over the past three years, and Pakistan's proposals on the appointment of a Special Representative of the Secretary-General, expansion of

the United Nations Military Observer Group in India and Pakistan (UNMOGIP) to monitor the "line of control", and the sending of a fact-finding mission to Jammu and Kashmir. Secondly, and most importantly, India must renounce the use of force as a means of resolving the crisis in Kashmir. Thirdly, sincere and meaningful negotiations to seek a solution to the Jammu and Kashmir dispute should be held, and India should display flexibility and imagination in those talks. It must be understood that no settlement could be durable if it was unacceptable to the people of Kashmir.

44. The Jammu and Kashmir dispute defined the very character of the United Nations. The Security Council, employing mediation, arbitration and preventive diplomacy, had reached conclusions which had been the basis for various resolutions which defined the modus operandi for the resolution of the dispute. To deny their implementation would be tantamount to challenging the raison d'être of the United Nations and flouting the established norms of international law. India was accountable to the comity of nations for its brutal repression in Kashmir.

45. Mr. SERGIWA (Libyan Arab Jamahiriya) said that racism was an affront to human dignity and to the principle of equality among peoples. Despite the efforts of the international community to eradicate that scourge and the numerous international human rights instruments in force, its manifestations continued to affect millions of people. His Government was alarmed at the propagation of contemporary forms of racism, such as the campaign of xenophobia against migrant workers, especially the campaign against the Muslim-Arab minority in many countries.

46. As to the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/51/301), prepared by the Special Rapporteur of the Commission on Human Rights, he regretted that it did not refer to racial practices in the occupied territories and requested that in future issues of racism and racial discrimination should be considered in a broader sense. He also regretted that the Centre for Human Rights had not been able to carry out more activities for lack of resources. Therefore, he emphasized the need for the Centre to be provided with the necessary resources to carry out the activities organized for the Third Decade to Combat Racism and Racial Discrimination. Within the framework of the Decade, the international community should do all it could to combat all forms of racism, to promote tolerance and understanding among all races and to fight against doctrines which affirmed the supremacy of one race over another.

47. Although the Charter of the United Nations, the International Covenants on Human Rights, the Vienna Declaration and the relevant General Assembly resolutions proclaimed the right to self-determination of peoples suffering under the yoke of colonialism, there were still peoples such as the Palestinians who were denied that right. Consequently, Israel must withdraw from the occupied Palestinian territories, including Jerusalem and the Syrian Golan, so that the Palestinian people could return to the land from which it had been expelled and so that a State could be established in which Jews and Arabs could live together in peace.

48. Lastly, he pointed out that the Libyan Arab Jamahiriya, in accordance with the principles of Islam, ensured respect for the rights of all its inhabitants

without discrimination on grounds of race, sex, colour or language. The Libyan Government had always condemned racial discrimination and had supported the right to self-determination for all peoples in various international forums.

49. Me. AL-HITTI (Iraq) said that the ethnic and religious minorities in Iraq had coexisted fraternally for centuries. The Iraqi Constitution protected the rights of the Kurdish people and the other two minorities in Iraq, Syrians and Turks. Those minorities had their own political parties and cultural associations, through which they expressed their aspirations and opinions. Also, Iraqi legislation protected the rights of minorities and guaranteed equality among all linguistic, religious and national groups, as well as respect for sovereignty and territorial integrity.

50. In that context, he recalled that minorities in Iraq could not be regarded as indigenous populations. Their situation should therefore be considered in the context of human rights issues. It was important to avoid confusing the issue of minorities with that of indigenous populations, and careful consideration should be given to the accreditation of organizations which claimed to represent indigenous populations.

51. Although both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights stated that all peoples had the right of self-determination, could freely dispose of their natural wealth and resources and that in no case might a people be deprived of its own means of subsistence, some States had flouted that right and had even gone as far as intervening militarily against specific countries such as Iraq. The Iraqi people's right of self-determination had been violated through: the intervention in the north of the country, which had undermined national unity; the establishment of no-fly zones, which violated Iraq's right to control its airspace; the launching of missiles by the United States, which had resulted in the death of many Iraqis; and the embargo that prohibited the sale of oil, the country's main source of revenue.

52. Iraq therefore urged the international community to oppose that policy and ensure that the provisions of the Charter of the United Nations and the International Covenants on Human Rights were respected.

53. Mr. MINOVES-TRIQUELL (Andorra) said that both the Andorran Constitution and the policy traditionally implemented by Andorra guaranteed equality for all, tolerance and respect for human rights. Andorra, which had enjoyed peace and freedom since the twelfth century, had taken in many refugees of different races and religions and supported United Nations activities to combat all forms of racial discrimination.

54. Racism went against the very essence of humankind. However, many people directed their prejudices, frustrations and malice against people of different ethnic origins. People who discriminated against others thoughtlessly, out of ignorance, were to be pitied and must be educated, but those who did so wittingly must be condemned by mankind. Since the United Nations was an essential forum for the struggle against racism, his delegation welcomed the note by the Secretary-General transmitting the report of the Special Rapporteur on contemporary forms of racism and racial discrimination, xenophobia and related intolerance (A/51/301). It also supported all activities to combat

those phenomena, in particular activities designed to raise the awareness of civil society and to provide human rights education to young people.

55. With respect to the self-determination of peoples, that basic right involved many responsibilities but was intimately linked to the principles of democracy and the freedom of individuals and peoples. Moreover, since it was one of the most difficult rights to implement, it should be studied in depth. His delegation therefore welcomed the initiatives of Liechtenstein to promote the debate on self-determination, especially the conferences organized on that topic.

56. Mr. KAUSIKAN (Singapore) said that his delegation wished to make some comments on the report of the Special Rapporteur contained in document A/51/301. In paragraph 4 of the introduction, the Special Rapporteur indicated that, as the Centre for Human Rights of the Secretariat was still understaffed, it had not been possible to gather the necessary information from Member States for the preparation of the document. Accordingly, the Special Rapporteur had relied on sources from quasi-governmental agencies and non-governmental organizations; he had also consulted reliable articles in the international press. His delegation could not accept that the lack of manpower had prevented the Special Rapporteur from consulting Member States on matters which concerned them; in failing to consult Member States, the Special Rapporteur had violated an elementary principle of justice. The approach in question, which betrayed an extraordinary lack of initiative and a profound passivity, had resulted in a misrepresentation of facts. Consequently, the report contained elementary errors which cast doubts on its credibility.

57. For example, in paragraph 20 of the report (sect. III), the Special Rapporteur noted that, in Asia, intraregional migration created tension between countries of emigration and host countries, because of the way in which the citizens of the former were treated. While it was a fact that intraregional migration had from time to time created tensions between some countries, the insinuation that tensions had arisen because of discrimination against immigrants was absurd. However, the insinuation was reinforced in paragraph 21 of the report where it was indicated that mass expulsions of migrant workers gave rise to some concern regarding human rights, as had the severity of justice in certain countries when persons with immigrant status had been accused, rightly or wrongly, of criminal offences. By means of such logic, the Special Rapporteur seemed to suggest that persons with immigrant status should be exempt from the criminal law of the countries in which they resided, which was unacceptable. Singapore applied its laws - which some might characterize as harsh, but which were necessary - equally to everyone residing in the country, without exception.

58. Further on in paragraph 21 of the report, the Special Rapporteur used as an example the fact that relations between the Philippines and Singapore had deteriorated in 1995 after the execution of a Philippine domestic worker who had been accused of murdering her employer; he also indicated that the Philippine authorities had cast doubt on the circumstances of the trial. There was an elementary factual error in that paragraph: the domestic worker in question had never been accused of murdering her employer. She had been charged, tried and convicted of murdering a fellow Filipina and the child who was her ward. The elementary error of fact did not reflect well on the Special Rapporteur's

standard of research. Moreover, the Special Rapporteur provided incomplete information: while he had noted that relations between the Philippines and Singapore had deteriorated in 1995, he had failed to indicate that relations between the two countries had been restored in the same year, well before the submission of the Special Rapporteur's report in August 1996.

59. Moreover, the domestic worker had been given full recourse to due legal process, including a fair and open trial at all stages, as well as the right of appeal and the right to seek pardon in the post-trial phase. Not only had Singapore guaranteed the accused full recourse to due legal process but it had also taken special pains in her case. Had the Special Rapporteur bestirred himself to conduct a little elementary research, he would have discovered that an independent third-party panel of United States forensic experts appointed by the Singapore and the Philippine Governments had unanimously upheld the findings of the Singaporean pathologists, and that both Governments had accepted the panel's findings. The facts omitted were not secrets since they had been widely publicized in the very same international press that, his delegation assumed, the Special Rapporteur had consulted.

60. The letter which the Centre for Human Rights had sent to Singapore and other Member States in May 1996 had been of a general nature. Since the Special Rapporteur had intended to refer to specific cases in his report, it was very puzzling that the Centre for Human Rights had not consulted Singapore on that specific case; it was all the more puzzling because the case had been resolved nearly one year before the letter had been sent. In fact, when the Special Rapporteur was preparing his report, the Centre for Human Rights already had before it the basic facts of the case in question. It was true that at that time there had been another Special Rapporteur, but the Special Rapporteurs could surely be expected to speak to each other, at the least; had they done so, the elementary factual errors in question would have been avoided. Such errors could not be attributed to lack of staff or resources; they were the result of a lack of professionalism, if not outright negligence.

61. His delegation would like to know whether the Special Rapporteur intended to correct those errors and, if so, how he was going to go about it. Unless minimal professional standards were met and reports were prepared with due regard to the basic requirements of objectivity and factual accuracy, his delegation would have no option but to conclude that the problem was not that resources were inadequate, but that they had been squandered. That would have implications for future funding.

62. Mr. KUNDA (Zambia) said that his delegation subscribed without reservations to the statement made earlier by the delegation of Angola on behalf of the group of States of the Southern African Development Community (SADC).

63. In his introductory statement, the Special Rapporteur had referred to the problems of immigration and the resultant tensions, noting that Zambia had chartered flights to repatriate legal and illegal immigrants from West Africa. The Zambian Government had always welcomed legal immigrants and would always do so, since the Zambian people prided themselves on their hospitality. However, illegal migration was against the law, which much be enforced.

64. The smuggling of precious and semi-precious stones from Zambia was common knowledge; his Government had proof of cases of people entering the country illegally for that sole purpose. That practice deprived the Zambian people of much-needed revenue. As a poor country struggling to develop, Zambia could not allow itself to be robbed of its natural resources.

65. The people who had been repatriated to their countries of origin were either convicted criminals who had served their sentences or had previously been deported from Zambia for illegal entry into the country. Zambia did not see such action as intolerant or dehumanizing; it was a question of protecting law and order. There were many people from West Africa who had settled, become integrated and prospered in Zambia. Lastly, Zambia attached great importance to the work of the Special Rapporteur and wished to assure him of its full support in the discharge of his functions.

66. Mr. ZELACI (Algeria) said that the foundations of a balanced and just international order would continue to be fragile as long as the threat of instability caused by the many and varied scourges of today persisted. Racism and racial discrimination continued to be rampant in various regions and, ironically, was more common in those countries in which democratic values and human rights were firmly rooted.

67. The nationalistic policies, economic interests and electoral considerations that were inherent in political parties, interest groups and Governments fostered attitudes of rejection and intolerance of migrant workers, refugees, asylum-seekers, minorities and indigenous populations. Very often, the media and new technologies, such as electronic mail and the Internet, facilitated the large-scale dissemination of racist, xenophobic and neofascist practices.

68. In addition, national laws that placed restrictions on resident aliens or tourists reinforced feelings of xenophobia and racism which might have already existed even in the most democratic societies. The mass expulsion of migrant workers and asylum-seekers in the different continents seemed to have become a formula for the control of migratory movements, in violation of the principle of non-discrimination, which continued to be one of the pillars of human rights.

69. States must take legislative, administrative and political measures to provide for civil and criminal sanctions against perpetrators of racist acts. They should also undertake national campaigns to promote greater public awareness and to mobilize public opinion, including through education, with a view to eradicating racism and racial discrimination throughout the world. Algeria was determined to eliminate those phenomena through its national policies. As part of the measures agreed upon between States and the international organizations, Algeria fully supported proposals for the convening of an international conference on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the creation of a mechanism to monitor the media as purveyors of hatred, racism and xenophobia; making the administrative regulations for the granting of visas more flexible; promoting exchanges between individuals and cross-cultural communication; and the teaching of human rights at all levels of education.

70. Despite the fact that the principle of the right of peoples to self-determination was embodied in a series of international instruments, there were

still peoples who had not been able to exercise that right. Until that goal was attained, the work of the United Nations to bring about peace would be incomplete. The new Israeli Government's intransigent policies and its failure to honour its commitments endangered the Middle East peace process. While Algeria welcomed the progress made towards the consolidation of the peace process in the region, there was still need for a comprehensive and lasting solution, based on the return of all the territories occupied by Israel in 1967.

71. Algeria would spare no effort to ensure that the settlement plan of the United Nations and the Organization of African Unity was implemented and the people of Western Sahara were able to freely exercise their inalienable right to self-determination and independence, which would no doubt contribute to stability and peaceful coexistence in the region.

72. Mr. MATEŠIĆ (Croatia) said that paragraph 14 of the report of the Special Rapporteur on the question of the use of mercenaries contained a note verbale from the Permanent Mission of Germany to the United Nations Office at Geneva in response to a letter from the Special Rapporteur inquiring about two individuals who were suspected of being mercenaries.

73. Neither the report nor the note verbale made it clear in which country the suspected mercenaries operated or under whose command. The activities mentioned in the note had not taken place in the territory of the Republic of Croatia and neither the military units nor the commanders mentioned in the note were associated with the army of the Republic of Croatia. The Croatian delegation therefore requested the Special Rapporteur to clarify the matter in any future reference to the case.

74. Mr. PHANIT (Thailand) said that his statement would focus on the problems described in section III (A) of the report of the Special Rapporteur on contemporary forms of racism (A/51/301), entitled "The worldwide immigration crisis". As the report mentioned, it was clear that people usually left heir homelands in search of a better life. But there were also other reasons why people emigrated. Some went abroad because of insecurity or persecution in their country and others because their Governments encouraged them to go or because other countries recruited foreign workers. In most cases, however, poverty appeared to be the main "push factor" behind migratory movements from one country to another in search of better economic opportunities. Thailand was host to illegal migrants workers while, at the same time, Thai citizens worked illegally in other countries. Since many of them might be subject to maltreatment, Thailand looked at the problem from both perspectives and tried to address it in a balanced manner, taking into consideration the interests of all concerned.

75. The problem of immigrants should be considered in all its aspects and human rights should not be used to protect persons guilty of wrongdoing. People who left their countries were expected to observe the laws and regulations of the host country. In Thailand's view, the issue of immigration in Asia which the Special Rapporteur discussed in his report was not a problem of racial discrimination. In Section III, paragraph 22, of his report, the Special Rapporteur had gone too far in citing Thailand as a country which claimed that the presence of immigrants was a threat to the country's security. Thailand had been host to hundreds of thousands of people arriving from Cambodia, Laos,

Myanmar and Viet Nam, including illegal immigrants. It had done so because of its humanitarian tradition and regardless of ethnic origin, religion, colour or race.

76. Furthermore, the Thai Government's policy on illegal immigrants was clear. It would provide protection and assistance only to those who truly needed them. Thailand would always try to provide humanitarian assistance and temporary shelter to people who had been displaced across its borders as a result of conflicts in their own countries. When the situation in their home countries returned to normal, however, Thailand would facilitate their return home in safety and dignity.

77. The number of immigrant workers had increased throughout the country and that increase had negatively affected the economic and social conditions in the country and had also contributed to a dramatic rise in the incidence of crime. Nevertheless, the problem needed to be addressed in a humane manner. Accordingly, the Government had recently announced a two-year moratorium on the expulsion of illegal immigrants, pending the adoption of regulations to minimize the impact of illegal migration on public order. He hoped that the information he had provided would be useful and would help to balance the report of the Special Rapporteur which, surprisingly, was based on information from unconventional sources.

78. Mr. TIN (Myanmar), speaking in exercise of the right of reply, noted with regret that the representative of Ireland, who had spoken on behalf of the European Union on the issue of the right of peoples to self-determination, had made references to Myanmar which were totally irrelevant to the issue under consideration. Myanmar had played a leading role in the Special Committee on Decolonization, thereby demonstrating its commitment to the right to self-determination for all peoples toiling under the yoke of colonialism. The Vienna Declaration clearly stated that self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. Self-determination was a right applicable only to peoples under colonial domination or alien occupation.

79. Myanmar was engaged in a broad-based national dialogue aimed at meeting the aspirations of the numerous national ethnic groups in order to create a pluralist, multi-party democracy in a modern and developed State. In response to the wishes of the people as a whole and of the majority of the political parties, the National Convention had been meeting to draft a new constitution which would guarantee the rights of all national ethnic groups. Priority had been given to national reconciliation among all the races of Myanmar, with the result being that nearly all armed groups had laid down their arms and were now participating fully in the national political process to shape their own destiny. Detentions and arbitrary arrests were never made in Myanmar. Action was taken only against those who transgressed existing laws and those arrested had the benefit of all legal guarantees during the judicial proceedings.

80. Ms. BENNANI (Morocco), speaking in exercise of the right of reply, said that, in October 1975, at Morocco's request, the International Court of Justice had ruled that the Saharan territory occupied by Spain had not been at the time

of its colonization terra nullus and that juridical links and ties of loyalty had existed between the territory and Morocco.

81. On 14 November 1975, the Saharan territory had been returned to Morocco under the Madrid Agreement, which had been signed between Morocco, Spain and Mauritania. That Agreement had been officially deposited in the United Nations and the General Assembly had taken note of it. Despite the problems inherited from the colonial period, Morocco had always sought to recover its territorial integrity in stages and by peaceful means. As evidence of its desire to achieve a peaceful and lasting solution to the problem of the Sahara, Morocco had taken the initiative to request the United Nations to organize a referendum on self-determination. It had participated actively in all phases of the referendum provided for in the United Nations settlement plan, which had been approved by the Security Council, and had reiterated on numerous occasions its commitment to that plan.

82. Ms. MESDOUA (Algeria), speaking in exercise of the right of reply, referred to the clarifications which the representative of Morocco had just given on the question of Western Sahara and said that she wished to reiterate once again that the problem should be dealt with by the Security Council and the Fourth Committee. The Fourth Committee was in fact currently considering the most recent negotiations between Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro. Despite that, Morocco had again attempted to mislead the delegations present in the room.

83. Algeria reaffirmed its acceptance of the settlement plan approved by the Organization of African Unity and the United Nations, which called for a just and impartial solution. In that connection, attention should be drawn, as a number of delegations and, in particular, the representative of the European Union, had done, to the provisions of the Security Council resolutions on the matter.

The meeting rose at 5.15 p.m.